

REMARKS/ARGUMENTS

The Examiner is requiring restriction initially to one of the following groups:

Group I, Claims 1-3, drawn to a 1,2,4-triazole compound wherein R_b is an optionally substituted pyridine; and

Group II, Claims 1-3, drawn to a 1,2,4-triazole compound wherein R_b is an optionally substituted phenyl; and also to one of the following groups of process claims:

Group III, Claims 4, 9 and 10;

Group IV, Claims 5, 9 and 10;

Group V, Claims 6, 9 and 10;

Group VI, Claims 7, 9 and 10; and

Group VII, Claims 8-10.

Applicants hereby elect Group I (Claims 1-3) drawn to a compound wherein R_b is pyridine and Group VI (Claims 7, 9 and 10) drawn to a process for producing such a compound.

Applicants traverse this Restriction Requirement on the grounds that the essential feature of the present invention lies not in the production of pyridyl- or phenyl-substituted triazole compounds, but in the production of such compounds in high yield that does not require an isolation operation during the production from the step of solubilization into an organic solvent to the step of reaction whereby the substituents of the triazole ring as a core are introduced. It is important to note that the invention directed to the corresponding compound has already been granted as U.S. Patent 7,074,816.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it

on its merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

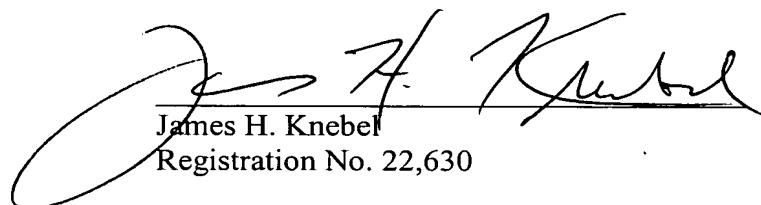
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on its merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



James H. Knebel
Registration No. 22,630

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)